

Ordinance No. 01-18

ORDINANCE:

To grant Text  
Amendment  
Application No.  
TXT2018-00247,  
Mayor and Council of  
Rockville, Applicant

WHEREAS, the Mayor and Council of Rockville, 111 Maryland Avenue, Rockville, Maryland, filed Text Amendment Application TXT2018-00247 on July 10, 2017 for the purpose of amending Chapter 25 of the Rockville City Code, "Zoning," so as to revise Chapter 25 for the purpose of implementing the policies of the Rockville Pike Neighborhood Plan; and

WHEREAS, the Planning Commission reviewed the proposed text amendment at its meetings of September 13 and 27, 2017, and provided comments and recommendations to the Mayor and Council; and

WHEREAS, pursuant to the Land Use Article of the Annotated Code of Maryland, the Mayor and Council of Rockville gave notice that a hearing on said text amendment application would be held by the Mayor and Council in the Council Chambers at Rockville City Hall on October 16, 2017, at 7:00 p.m., or as soon thereafter as it may be heard; and

WHEREAS, on October 16, 2017, the Mayor and Council held a hearing on said application; and

WHEREAS, the Mayor and Council, having considered the text amendment application and the entire file pertaining thereto, said Mayor and Council have decided that the granting of this application, in the form set forth below, would promote the health, safety and welfare of the citizens of the City of Rockville.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL  
OF ROCKVILLE, MARYLAND, as follows:

Amend Article 3, "Definitions, Terms of Measurements and Calculations", as follows:

**25.03.02 – Words and Terms Defined**

\* \* \*

*Champion Project:* A development project that is located within the South Pike and meets the following standards:

1. Contains at least five (5) acres of private property that is (i) contiguous, or (ii) confronting, separated only by a Business District Class I or Class II street; and
2. Significantly advances one or more of the following goals:

- (a) increases multifamily housing that provides more than the minimum requirement of moderately priced dwelling units near the Twinbrook Metro Station; and/or
- (b) provides more than the required public use space; and/or
- (c) provides more than the required vehicular, bicycle and/or pedestrian safety measures and/or provides pedestrian and bicycle access over or under the CSX/Metro tracks; and/or
- (d) provides a significant increase in the amount of employment.

\* \* \*

*Rockville Pike Core Area:* That area identified as the Core area in the Rockville Pike Neighborhood Plan and encompassing all that area beginning at a point on the CSX/Metro west right-of-way line established by the extension of the southeast property line of Lot 5, Block O of the Rockland subdivision and extending said line to the east line of Rockville Pike; the east line of Rockville Pike; the southern boundary of the City; and the west line of the CSX/Metro right-of-way.

\* \* \*

*South Pike Area:* That portion of the City contained within the Twinbrook Metro Performance District including the area within the PD-TC Zone as shown on the adopted zoning map.

Amend Article 7, "Procedures for Site Plans, and Project Plans, Special Exceptions and Other Permits", as follows:

\* \* \*

**25.07.07 – Project Plan Review**

An application for a site plan review with 16 or more points, as determined in Section 25.07.02.b above, or an application for a Champion Project as defined in Article 3, is processed as a Project Plan review and is subject to the following provisions:

\* \* \*

6. *Briefing Session for Mayor and Council and Planning Commission* – The Mayor and Council and the Planning Commission must each hold a public meeting to receive a briefing of the Project Plan. If the project is identified by the applicant as a Champion Project, the Mayor and Council will determine at the briefing whether the project may be processed as a Champion Project application.

\* \* \*

16. *Decision: Project Plan Implementation Period* – Upon the close of the public hearing record, the Mayor and Council will render a final decision on the proposed Project Plan by resolution, including whether the development project qualifies as a Champion Project. If the application is approved, the Mayor and Council will establish a time period in which construction on all phases of the approved Project Plan must commence.

Amend Article 13, "Mixed-Use Zones", as follows:

\* \* \*

#### **25.13.02 - Zones Established**

To achieve the intent of the recommendations of the Master Plan, each mixed-use zone contains different sets of standards and requirements to respond to the needs of individual neighborhoods of the City. These mixed-use zones are listed below, along with a description of the purpose of each zone.

Type of Zone	Distinguishing Feature	Name of Zone
	Intended for use in areas near Metro stations, it allows for high-density development of retail, office, and residential uses consistent with the recommendations of the Plan.	Mixed-Use Transit District Zone ("MXTD") <sup>1</sup>

<sup>1</sup>For purposes of satisfying the requirements of Article 2B, 9-102.1(g) "Rockville license," of the Annotated Code of Maryland, property within this zone shall be deemed to be within the Rockville Town Center zone.

Type of Zone	Distinguishing Feature	Name of Zone
Mixed Use	Intended for areas along major highway corridors outside of the MXTD Zone areas, it allows for medium density development of retail, office, and residential uses. Because of the nature of highway corridor areas, the zone provides flexibility in the siting of buildings relative to major roadways and other site requirements to accommodate service drives and required parking.	Mixed-Use Corridor District Zone ("MXCD")
	Intended for areas that are either currently developed or are recommended for development primarily for office, light industrial, and industrial park uses, this zone allows for medium density development of office, retail, and residential uses. A mix of office and residential uses, including live/work and work/live units, is encouraged.	Mixed-Use Employment ("MXE")
	Intended for areas that are either currently developed or recommended for development primarily for retail sales, neighborhood services, home improvement services, and compatible residential development in areas convenient to both higher-density commercial zones and single-unit detached residential uses. This zone allows for a range of densities as determined by the applicable master plan and permits retail, service, office, and residential uses.	Mixed-Use Business ("MXB")
	<u>Intended for areas that are located between areas currently developed or recommended for development as medium to high-intensity development and areas developed or recommended for residential development or parks within residentially zoned areas. This zone allows for medium density development of residential and office uses, as well as neighborhood-serving retail and service uses.</u>	<u>Mixed-Use Corridor Transition ("MXCT")</u>
Mixed Use	Intended for sites that are either currently developed or recommended for development primarily for local retail and service uses in areas either within or in close proximity to single unit detached residential uses. This zone allows for low to moderate density development of retail, service, office, and residential uses. This zone is not intended to provide for major employment, so office uses are limited.	Mixed-Use Neighborhood Commercial ("MXNC")

Type of Zone	Distinguishing Feature	Name of Zone
	Intended for sites that are either currently developed or recommended for development primarily for local retail and service uses in areas either within or in close proximity to single-unit detached residential uses. This zone allows for low density development of retail, service, office, and residential uses. This zone is not intended to provide for major employment, so office uses are limited.	Mixed-Use Commercial ("MXC")
	Intended for areas that are located between moderate or high-density development and single-unit detached residential neighborhoods. This zone allows for development of low density multi-unit, attached and townhouse residential development, and may include other neighborhood-serving uses.	Mixed-Use Transition ("MXT")

Note: Provisions for development in Planned Development areas are contained in Article 14.

### 25.13.03 – Land Use Tables

The uses permitted in the Mixed-Use Zones are as shown in the table below. Uses are subject to applicable conditions of site plan approval. All special exceptions are subject to the requirements of Article 15.

	Uses	Zones								Conditional requirements or related regulations
		Mixed-Use Transit District (MXTD)	Mixed-Use Corridor District (MXCD)	Mixed-Use Employment (MXE)	Mixed-Use Business (MXB)	Mixed-Use Corridor Transition (MXCT)	Mixed-Use Neighborhood Commercial (MXNC)	Mixed-Use Commercial (MXC)	Mixed-Use Transition (MXT)	
a. Residential	Dwelling, single unit detached	N	C	C	C	N	C	P	P	Conditional use subject to the requirements of Sec. 25.13.04.a.
	Dwelling, semi-detached (duplex)	N	N	C	P	N	C	N	P	Conditional use subject to the requirements of Sec. 25.13.04.a.
	Dwelling, townhouse	P	P	P	P	P	P	N	C	Conditional use subject to the requirements of Sec. 25.13.04.a.
	Dwelling, attached	P	P	P	P	P	P	N	C	Conditional use density must not exceed 6 dwelling units per acre
	Dwelling, multiple-unit	P	P	P	P	P	P	C	C	Conditional use subject to the requirements of Sec. 25.13.04.a
	Live/work unit	P	P	P	P	P	P	P	P	
	Personal living quarters	P	P	P	P	P	P	N	P	

	Uses	Zones								Conditional requirements or related regulations
		Mixed-Use Transit District (MXTD)	Mixed-Use Corridor District (MXCD)	Mixed-Use Employment (MXE)	Mixed-Use Business (MXB)	Mixed-Use Corridor Transition (MXCT)	Mixed-Use Neighborhood Commercial (MXNC)	Mixed-Use Commercial (MXC)	Mixed-Use Transition (MXT)	
b. Swimming pool, Accessory		P	P	P	P	P	P	P	P	
	No impact	P	P	P	P	P	P	P	P	See Sec. 25.09.07b.
c. Home-based business enterprise	Major	S	S	S	S	S	S	P	S	See Secs. 25.09.07c and 25.15.02.h
	Adult day care	P	P	P	P	P	P	P	S	
d. Institutional Uses	Charitable or philanthropic institution	P	P	P	C	P	C	C	C	Conditional uses must not exceed 5,000 sq. ft. of gross floor area
	Child care home	C	C	C	P	P	P	P	P	Conditional use permitted only in single-unit detached dwelling
	Child care center:									
	9 – 12 children	P	P	P	P	P	P	P	P	
	More than 12 children	P	P	P	P	P	P	P	P	

	Uses	Zones								Conditional requirements or related regulations
		Mixed-Use Transit District (MXTD)	Mixed-Use Corridor District (MXCD)	Mixed-Use Employment (MXE)	Mixed-Use Business (MXB)	Mixed-Use Corridor Transition (MXCT)	Mixed-Use Neighborhood Commercial (MXNC)	Mixed-Use Commercial (MXC)	Mixed-Use Transition (MXT)	
d. Institutional Uses (cont.)	Educational institution, private	P	P	P	P	P	S	P	S	See Sec. 25.15.02.g
	Housing for senior adults and persons with disabilities	P	P	P	S	P	P	S	S	Special exception subject to Sec. 25.15.02.j
	Library, museum, and art gallery or studio	P	P	P	P	P	C	C	C	Conditional uses must not exceed 5,000 sq. ft. of gross floor area
	Nursing home	NP	P	P	S	P	S	N	S	Special exception subject to Sec. 25.15.02.i
	Place of worship	P	P	P	P	P	P	P	P	
e. Medical services	Ambulance service	N	P	P	C	C	C	C	N	Conditional use must not adjoin or confront residential uses
	Hospital	S	S	P	S	S	S	N	N	Special exception subject to Sec. 25.15.02.i



	Uses	Zones								Conditional requirements or related regulations
		Mixed-Use Transit District (MXTD)	Mixed-Use Corridor District (MXCD)	Mixed-Use Employment (MXE)	Mixed-Use Business (MXB)	Mixed-Use Corridor Transition (MXCT)	Mixed-Use Neighborhood Commercial (MXNC)	Mixed-Use Commercial (MXC)	Mixed-Use Transition (MXT)	
e. Medical services (cont.)	Veterinary office and/or animal hospital	P	P	P	P	P	C	P	C	Conditional uses must not exceed 2,500 sq. ft. of gross floor area.
	Kennel	N	N	C	N	N	N	N	N	Conditional use must not have outside runs
f. Miscellaneous Uses	Private club	P	P	P	P	P	S	N	S	Special exception subject to Sec. 25.15.01
	Public utility building and structure	P	P	P	P	P	P	P	C	Conditional uses in buildings must have a residential appearance and comply with the height, bulk and setback requirements of the relevant zone

	Uses	Zones								Conditional requirements or related regulations
		Mixed-Use Transit District (MXTD)	Mixed-Use Corridor District (MXCD)	Mixed-Use Employment (MXE)	Mixed-Use Business (MXB)	Mixed-Use Corridor Transition (MXCT)	Mixed-Use Neighborhood Commercial (MXNC)	Mixed-Use Commercial (MXC)	Mixed-Use Transition (MXT)	
f. Miscellaneous Uses (cont.)	Publicly-owned or publicly-operated building and use, excluding sanitary landfill	P	P	P	P	P	P	P	P	
	Wireless communication facility entirely within an existing building or on the roof or side of a building, or attached to an existing structure	C	C	C	C	C	C	C	C	Conditional use subject to the requirements of Sec. 25.09.08
	Wireless communication freestanding ground mounted antenna support structure	S	S	S	S	S	S	S	S	See Sec. 25.09.08 and 25.15.02.s

	Uses	Zones								Conditional requirements or related regulations
		Mixed-Use Transit District (MXTD)	Mixed-Use Corridor District (MXCD)	Mixed-Use Employment (MXE)	Mixed-Use Business (MXB)	Mixed-Use Corridor Transition (MXCT)	Mixed-Use Neighborhood Commercial (MXNC)	Mixed-Use Commercial (MXC)	Mixed-Use Transition (MXT)	
g. Temporary Uses	Temporary building or yard for construction materials or equipment	C	C	C	C	C	C	C	C	Conditional use subject to the requirements of Sec. 25.09.04
	Portable Storage Units	C	C	C	C	C	C	C	C	
	Temporary office or model home	C	C	C	C	C	C	C	C	
	Christmas tree sales	C	C	C	C	C	C	C	C	
	Sale of Garden produce	C	C	C	C	C	C	C	C	
	Temporary carnival, flea market, or local festival	C	C	C	N	C	N	C	N	

	Zones									
	Mixed-Use Transit District (MXTD)	Mixed-Use Corridor District (MXCD)	Mixed-Use Employment (MXE)	Mixed-Use Business (MXB)	Mixed-Use Corridor Transition (MXCT)	Mixed-Use Neighborhood Commercial (MXNC)	Mixed-Use Commercial (MXC)	Mixed-Use Transition (MXT)	Conditional requirements or related regulations	
h. Commercial, and office and industrial uses	Retail sales and services:									
	Alcoholic beverages for consumption off the premises	P	P	P	N	C	C <sup>1</sup>	C	For conditional use, tenant area limited to 5,000 sq. ft. of gross floor area	
	Alcoholic beverages for consumption on the premises of any restaurant	P	P	P	P	P	P	P		
	Auctioneer and commercial gallery	P	P	P	P	C	C	C	For conditional use, tenant area limited to 2,500 sq. ft. of gross floor area	
	Boats and marine supplies	N	C	C	C	N	N	N	For conditional use, all sales and storage must be indoors	
	Business equipment sales and service	P	P	P	P	N	P	N		

	Zones									Conditional requirements or related regulations
	Uses	Mixed-Use Transit District (MXTD)	Mixed-Use Corridor District (MXCD)	Mixed-Use Employment (MXE)	Mixed-Use Business (MXB)	Mixed-Use Corridor Transition (MXCT)	Mixed-Use Neighborhood Commercial (MXNC)	Mixed-Use Commercial (MXC)	Mixed-Use Transition (MXT)	
h. <u>Commercial, and office and industrial</u> uses (cont.)	Consumable goods to be used in the home	P	P	P	P	P	P	P	C	Conditional uses limited to 2,500 sq. ft. of gross floor area for each tenant, other than a grocery store or drug store
	Drug store with drive-	C	C	C	C	C	C	C	C	See Sec. 25.13.04.c
	Durable goods to be used in the home	P	P	P	P	N	P	C	N	For conditional use, tenant area is limited to 2,500 sq. ft. of gross floor area
	Flowers, except from outdoor garden or greenhouse	P	P	P	P	P	P	C	C	For conditional use, tenant area is limited to 2,500 sq. ft. of gross floor area

	Zones										
	Uses	Mixed-Use Transit District (MXTD)	Mixed-Use Corridor District (MXCD)	Mixed-Use Employment (MXE)	Mixed-Use Business (MXB)	Mixed-Use Corridor Transition (MXCT)	Mixed-Use Neighborhood Commercial (MXNC)	Mixed-Use Commercial (MXC)	Mixed-Use Transition (MXT)	Conditional requirements or related regulations	
h. Commercial, and office and industrial uses (cont.)	Funeral home	C	C	C	C	C	C	C	C	Cremations permitted only where existing as of March 16, 2009	
	Garden supplies	C	C	C	C	C	C	C	C	Indoor sales only	
	Home improvement service	N	N	P	P	N	N	N	N		
	Home maintenance services	P	P	P	P	P	P	P	P		
	Mobile uses	C	C	C	C	C	C	C	C	See Sec. 25.09.04.d.5	
	Multiple product range retail store (department store)	P	P	N	N	N	C	N	N	Conditional use limited to a maximum of 25,000 sq. ft. of gross floor area.	
	Personal care facility	P	P	P	P	P	P	P	P		

	Zones									Conditional requirements or related regulations
	Uses	Mixed-Use Transit District (MXTD)	Mixed-Use Corridor District (MXCD)	Mixed-Use Employment (MXE)	Mixed-Use Business (MXB)	Mixed-Use Corridor Transition (MXCT)	Mixed-Use Neighborhood Commercial (MXNC)	Mixed-Use Commercial (MXC)	Mixed-Use Transition (MXT)	
h. Commercial-and office and industrial uses (cont.)	Personal Services Office	P	P	P	P	P	P	P	P	
	Pet grooming	N P	P	P	P	P	P	P	P	
	Pet Sales	N P	P	P	P	N	P	N	N	
	Public transportation station	P	P	P	C	P	C	C	C	Conditional use must comply with any recommendations of the Plan
	Repair of household appliances, inc'l home electronic equipment	P	P	P	P	P	P	P	N	
	Taxicab service	N	N	S	P	P	N	N	N	Special exception subject to Sec. 25.15.02.q

	Zones									
	Uses	Mixed-Use Transit District (MXTD)	Mixed-Use Corridor District (MXCD)	Mixed-Use Employment (MXE)	Mixed-Use Business (MXB)	Mixed-Use Corridor Transition (MXCT)	Mixed-Use Neighborhood Commercial (MXNC)	Mixed-Use Commercial (MXC)	Mixed-Use Transition (MXT)	Conditional requirements or related regulations
h. Commercial, and office and industrial uses (cont.)	Wearing apparel and related accessories	P	P	P	P	P	P	C	C	Conditional uses limited to 2,500 sq. ft. of gross floor area for each tenant
	Wearing apparel services	P	P	P	P	P	P	P	P	
	Food Services:									
	Ancillary restaurant	P	P	P	N	P	N	N	N	Use cannot exceed 5% of the total gross floor area of the building. No drive-through or walk-up service is permitted. The bar patron area cannot exceed 10% of the total patron use area.
	Carry-out	P	P	P	P	P	P	P	P	
	Caterer, no seating	P	P	P	P	P	N	N	N	



	Zones									Conditional requirements or related regulations
	Uses	Mixed-Use Transit District (MXTD)	Mixed-Use Corridor District (MXCD)	Mixed-Use Employment (MXE)	Mixed-Use Business (MXB)	Mixed-Use Corridor Transition (MXCT)	Mixed-Use Neighborhood Commercial (MXNC)	Mixed-Use Commercial (MXC)	Mixed-Use Transition (MXT)	
	Restaurant, no drive-through	P	P	P	P	P	P	P	P	
	Office Uses:									
h. Commercial, and office and industrial uses (cont.)	Archival Record Storage	N	N	P	P	N	C	N	N	Conditional use allowed if located in a basement or cellar
	Bank or financial institution	P	P	P	P	P	P	P	P	
	Bank or financial institution with drive-through	C	C	C	C	C	C	C	C	Conditional use subject to the requirements of Sec. 25.13.04.c
	Duplicating service	P	P	P	P	P	P	C	C	Conditional uses limited to 2,500 sq. ft. of gross floor area
	Medical or dental laboratory	P	P	P	P	P	C	N	N	Conditional use allowed if located in a basement or cellar

	Zones									
	Uses	Mixed-Use Transit District (MXTD)	Mixed-Use Corridor District (MXCD)	Mixed-Use Employment (MXE)	Mixed-Use Business (MXB)	Mixed-Use Corridor Transition (MXCT)	Mixed-Use Neighborhood Commercial (MXNC)	Mixed-Use Commercial (MXC)	Mixed-Use Transition (MXT)	Conditional requirements or related regulations
	Office Uses:									
	Non-medical research laboratory	N <u>P</u>	N <u>P</u>	P	P	<u>P</u>	N	N	N	
	Office including medical and professional	P	P	P	P	<u>P</u>	P	P	P	
	Motor vehicle services:									
h. Commercial, and office and industrial uses (cont.)	Automobile parts sales; no installation or service	N	P	P	P	<u>P</u>	P	N	N	
	Automobile filling station (Class I and II)	S	S	S	N	<u>S</u>	S	S	N	See Sec. 25.15.02.c
	Automobile fluid maintenance station	N	P	P	P	<u>N</u>	N	N	N	
	Automobile rental	P	P	P	P	<u>P</u>	N	P	N	

h. Commercial, and office and industrial uses (cont.)

	Zones									
	Uses	Mixed-Use Transit District (MXTD)	Mixed-Use Corridor District (MXCD)	Mixed-Use Employment (MXE)	Mixed-Use Business (MXB)	Mixed-Use Corridor Transition (MXCT)	Mixed-Use Neighborhood Commercial (MXNC)	Mixed-Use Commercial (MXC)	Mixed-Use Transition (MXT)	Conditional requirements or related regulations
h. Commercial, and office and industrial uses (cont.)	Motor vehicle services:									
	Automotive repair garage	N	N	P	P	N	N	N	N	
	Mechanical car wash	N	P	P	N	N	N	N	N	
	Motor vehicle and trailer sales, excluding trucks and trailers exceeding three-fourths-ton capacity, including new and reconditioned parts and accessories and service incidental thereto. <sup>2</sup>	N <sup>3</sup>	C	C	C	C	N	N	N	See footnote 2

	Zones									Conditional requirements or related regulations
	Uses	Mixed-Use Transit District (MXTD)	Mixed-Use Corridor District (MXCD)	Mixed-Use Employment (MXE)	Mixed-Use Business (MXB)	Mixed-Use Corridor Transition (MXCT)	Mixed-Use Neighborhood Commercial (MXNC)	Mixed-Use Commercial (MXC)	Mixed-Use Transition (MXT)	
h. Commercial, and office and industrial uses (cont.)	Motor vehicle towing service, without storage on the premises	N	N	N	P	N	N	N	N	
	Tires, batteries and accessory sales, including service incidental thereto.	N	NP	N	P	N	C	N	C	
	Parking Facilities:									
	Commercial parking facility	C	C	C	C	C	N	N	N	Conditional use subject to the requirements of Sec. 25.13.04.d

	Zones										
	Uses	Mixed-Use Transit District (MXTD)	Mixed-Use Corridor District (MXCD)	Mixed-Use Employment (MXE)	Mixed-Use Business (MXB)	Mixed-Use Corridor Transition (MXCT)	Mixed-Use Neighborhood Commercial (MXNC)	Mixed-Use Commercial (MXC)	Mixed-Use Transition (MXT)	Conditional requirements or related regulations	
i. Assembly and entertainment	Health and fitness establishment	P	P	P	P	P	C	C	C	Conditional use limited to 4,000 gross square feet of floor area. No floor area limit if located in a basement or cellar	
	Hotel	P	P	P	P	C	S	N	N	Conditional use limited to 15,000 gross square feet	
	Indoor entertainment establishment, commercial, except shooting gallery	P	P	P	P	N	C	N	N	Conditional use subject to a Level 2 Site Plan Review	

	Zones									Conditional requirements or related regulations
	Uses	Mixed-Use Transit District (MXTD)	Mixed-Use Corridor District (MXCD)	Mixed-Use Employment (MXE)	Mixed-Use Business (MXB)	Mixed-Use Corridor Transition (MXCT)	Mixed-Use Neighborhood Commercial (MXNC)	Mixed-Use Commercial (MXC)	Mixed-Use Transition (MXT)	
i. Assembly and entertainment (cont.)	Outdoor recreational establishment, commercial, except shooting gallery	S	S	S	N	S	S	N	N	
	Recreational establishment, indoor, commercial, except shooting gallery	NP	P	P	P	C	C	N	N	Conditional use allowed if located in a basement or cellar

	Zones									
	Uses	Mixed-Use Transit District (MXTD)	Mixed-Use Corridor District (MXCD)	Mixed-Use Employment (MXE)	Mixed-Use Business (MXB)	Mixed-Use Corridor Transition (MXCT)	Mixed-Use Neighborhood Commercial (MXNC)	Mixed-Use Commercial (MXC)	Mixed-Use Transition (MXT)	Conditional requirements or related regulations
i. Assembly and entertainment (cont.)	Rental hall for meetings and social occasions	P	P	P	P	C	C	N	N	Conditional uses limited to a maximum of 4,000 square feet of gross floor area. No floor area limit if located in a basement or cellar
	Shooting gallery	N	N	S	N	N	N	N	N	
	Sports facility, multi-purpose, indoor commercial	P	P	P	P	N	C	N	N	Conditional use allowed if located in a basement or cellar
	Theater, including dinner theater	P	P	P	P	N	P	N	N	

	Zones									
	Uses	Mixed-Use Transit District (MXTD)	Mixed-Use Corridor District (MXCD)	Mixed-Use Employment (MXE)	Mixed-Use Business (MXB)	<u>Mixed-Use Corridor Transition (MXCT)</u>	Mixed-Use Neighborhood Commercial (MXNC)	Mixed-Use Commercial (MXC)	Mixed-Use Transition (MXT)	Conditional requirements or related regulations
j. Industrial and service uses	Light industrial use	N	N	P	N	N	N	N	N	
	Service industrial use	N	N	P	C	N	N	N	N	Conditional use must not adjoin or confront single-unit dwellings
	Warehouse, self-storage	N	N	C	C	N	N	N	N	Not permitted on a lot within 250 feet of any lot on which a public school is located. In the MXB Zone, must not adjoin or confront single-unit dwellings.

Key: P = Permitted Use; C = Conditional Use; S = Special Exception; N = Not Permitted

<sup>1</sup>Conditional use in the MXC Zone is not permitted when adjoining a residential zone.

<sup>2</sup>Special provisions for motor vehicle and trailer sales:

- All buildings, off-street parking and loading areas and all outdoor storage and display of motor vehicles must be set back 50 feet from any adjoining or abutting land classified in a residential zone. Where the Plan recommends a setback from a public street greater than the minimum required, the Plan takes precedence.
- The storage of waste material, auto parts, refuse and motor vehicles is prohibited in any required setback area.
- The requirement for providing public use space may be met in whole or in part through the fee-in-lieu process as set forth in Article 17.

<sup>3</sup> Except that new and/or expanded motor vehicle and trailer sales including new and reconditioned parts and accessories and service incidental thereto are permitted on those properties on which such uses are located as of March 16, 2009.

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## 25.13.05 - Development Standards

### a. *Build-To Lines* –

1. Where a build-to line established in the Town Center Master Plan is required, at least 70 percent of the length of the building wall facing that line must be set at the build-to line. Development must also comply with the building restriction line provisions set forth in Sec. 25.17.08.
2. (a) Build-to lines established by the Rockville Pike Neighborhood Plan are located within the area bounded by Dodge Street, Richard Montgomery Drive, Fleet Street (including the unimproved right-of-way), Wootton Parkway, East Jefferson Street (existing and proposed extension), the City boundary, the CSX/Metro tracks, and Veirs Mill Road.
- (b) The following build-to lines are established within the Rockville Pike Neighborhood Plan area for properties fronting on Rockville Pike:
  - i. Within the South Pike Area, 126 feet from and parallel to the centerline of Rockville Pike.
  - ii. In the area north of the South Pike area bounded by Richard Montgomery Drive, Fleet Street (including the unimproved right-of-way), Wootton Parkway, East Jefferson Street (existing and proposed extension), the South Pike Area boundary and the west line of Rockville Pike, 126 feet from the centerline of Rockville Pike.
  - iii. In the area north of the South Pike area boundary and bounded by the South Pike Area boundary, the CSX/Metro right-of-way, Veirs Mill Road, Dodge Street, and the east line of Rockville Pike, 116 feet from the centerline of Rockville Pike. For any parcel located in an area where the distance between the Rockville Pike right-of-way and the Veirs Mill Road right-of-way, or the Rockville Pike right-of-way and the CSX/Metro right-of-way, is less than 300 feet, a reduced build-to line may be applied under either A or B below:
    - A. the build-to line must be adjusted by establishing the build-to line at a point three-quarters of the distance from the CSX/Metro right-of-way to the Rockville Pike right-of-way or the from the Veirs Mill Road right-of-way to the Rockville Pike right-of-way, but, in no event, can the build-to line be less than 85 feet from the centerline of Rockville Pike. Inter-site vehicular and bicycle movement and a continuous public sidewalk must be provided so long as inter-site vehicular and bicycle movement and a continuous public sidewalk is provided; or

- B. the build-to line may be further reduced to a point less than 85 feet from the centerline of Rockville Pike where the Approving Authority finds that planned transportation infrastructure, inter-site vehiclur and bicycle movement, tree lawn, and a continuous public sidewalk can still be provided.
- C. In addition, the standards and requirements set forth in subsection (d) still apply to building facades if the build-to line is reduced.
- iv. For a Champion Project, as defined in Article 3, the build-to line is 103 feet from the centerline of Rockville Pike if no access drive is provided. If an access drive is provided, the build-to line is 126 feet.
- (c) For properties fronting all other roadway classifications within the Rockville Pike Neighborhood Plan area, the build-to line is established at the property line.
- (d) The percentage of a building facade that must be located at the build-to line varies by the roadway classification that the property fronts. The following table provides the minimum percentage of building façade that should be located at the build-to line:

<u>Roadway Classification</u>	<u>Minimum Percent of Building Façade at Build-to Line</u>
<u>Major</u>	<u>70%</u>
<u>Arterial</u>	<u>70%</u>
<u>Business District – Class 1</u>	<u>50%</u>
<u>Business District – Class 2</u>	<u>30%</u>
<u>Primary Residential</u>	<u>30%</u>

- (e) The requirement that buildings be placed at the build-to-line only applies to the first two floors of a building. The first two floors of a building must meet the minimum percent building façade requirement set forth in subsection (d). In order to provide some degree of flexibility in achieving these requirements, the percentage of facades at the build-to line may be distributed between the first two floors. For example, if a minimum of 70 percent of the building façade is required to be at the build-to line, an applicant who chooses to place 100 percent of the ground floor at the build-to line would be required to place only 40 percent of the second story at the build-to line.

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- (f) Except as allowed under subsection (g), the minimum percentages established in subsection (d) must be adhered to during the review and approval of any development project. To provide flexibility of design, a facade articulation of up to two feet behind the build-to line is allowed.
- (g) At the time of Project Plan approval or Site Plan approval in accordance with Article 7, these minimum percentages may be reduced for good cause shown and where the reduction is found to be consistent with the recommendations and intent of the master plan.

b. *Development Standards Table:*

1. The following table sets forth the development standards for each of the Mixed-Use Zones:

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Zone	Maximum Height (in feet) <sup>2</sup>	Open Area and Public Use Space <sup>3</sup>		Minimum width at front lot line (in feet)	Setbacks				Special Regulations
		Minimum Total open area Required (percent of project area)	Minimum public use space required within open area (percent of project area)		Public right-of-way abutting	Side		Rear	
						Residential land abutting	Non-residential land abutting <sup>1</sup>		
MXTD	120	10% (15% if residential dwellings are provided); 15% within the Rockville Pike Neighborhood Plan area	10% within the Rockville Pike Neighborhood Plan area	10	None	25' or height of building, whichever is greater	None. 10' min. if provided	25' or height of building, whichever is greater	See Sec. 25.13.05.a.2, 25.13.05.b.2(a) and 25.13.05.b.2(d)
MXCD	75	For sites <20,000 sq. ft.- 10%; 15% within the Rockville Pike Neighborhood Plan area	5% within the Rockville Pike Neighborhood Plan area	10	None	25' or height of building, whichever is greater	None required. 10' min. if provided	25' or height of building, whichever is greater	See Sec. 25.13.05.a.2, 25.13.05.b.2(a) and 25.13.05.b.2(d)
		For sites 20,000 sq. ft. or more 15%; 15% within the Rockville Pike Neighborhood Plan area	10% within the Rockville Pike Neighborhood Plan area						
MXE	120	20%	5%	10	None required. 10' min. if Provided	25' or ½ height of building, whichever is greater	None required. 10' min. if provided	25' or ½ height of building, whichever is greater	See Sec. 25.13.05.b.2(d)

Ordinance No. 01-18

Zone	Maximum Height (in feet) <sup>2</sup>	Open Area and Public Use Space <sup>3</sup>		Minimum width at front lot line (in feet)	Setbacks				Special Regulations
		Minimum Total open area required (percent of project area)	Minimum public use space required within open area (percent of project area)		Public right-of-way abutting	Residential land abutting	Non-residential land abutting <sup>1</sup>	Rear Residential land abutting Non-Residential Land abutting	
MXB	55	For sites <20,000 sq. ft.- 10%	-	10	None required. 10' min. if provided	25' or height of building, whichever is greater	None required. 10' min. if provided	25' or height of building, whichever is greater	None required. 10' min. if provided
		For sites ≥20,000 sq. ft. or more 10%	5%						
MXCT	75	15%	15%	10	None	25' or height of building, whichever is greater	None required. 10' min. if provided	25' or height of building, whichever is greater	See Sec. 25.13.05.a.2, 25.13.05.b.2(a) and 25.13.05.b.2(d)
MXNC	45 <sup>4</sup>	For sites <20,000 sq. ft.- 10%	-	10	None required. 10' min. if provided	25' or height of building, whichever is greater	None required. 10' min. if provided	25' or height of building, whichever is greater	See Sec. 25.13.05.b.2(d)
		For sites ≥20,000 sq. ft. or more 10%	5%						
MXC	30	10%	-	10	15	15'	None required. 10' min. if provided	25' or height of building, whichever is greater	None required. 10' min. if provided
MXT	35	10%	-	10	10	10	None	20'	None required. 10' min. if provided

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<sup>1</sup>*Nonresidential Land Abutting Side Setback* – This term also includes multi-unit residential uses with a height of 45 feet or greater

<sup>2</sup>Height is subject to the provisions of Section 25.13.05.b.2, below.

<sup>3</sup>Where the applicable master plan makes establishes specific recommendations or standards ~~on~~ for the provision of amenity area and public use space requirements, the master plan recommendation must be taken into consideration by the approving authority when reviewing a development project

<sup>4</sup>Open area and public use space requirements for development above 45 feet are shown in Sec. 25.13.05.b.2(c).

## 2. *Building Height*

\* \* \*

### (a) *MXTD Zone* –

- i. Building facades should have a range of heights of between 45 feet and 65 feet at the street. Additional height up to 120 feet at the street may be allowed where recommended by the Plan or where approved by the Mayor and Council as part of a Project Plan under Section 25.07.07. Building facades that exceed 250 feet in length should vary the façade height by at least ten feet (10') for some distance along the length of the facade in order to avoid a monotonous, monolithic appearance.
- ii. Where recommended in the Plan, or if approved by the Mayor and Council as part of a Project Plan approval in accordance with Section 25.07.07, building height may be increased beyond 120 feet up to 150 feet under the following conditions:
  - A. The public use space requirement must be provided on the site, except in the Rockville Pike Neighborhood Plan area, where the public use space requirement can be met either on site or through fee-in-lieu payment;
  - B. The building footprint cannot occupy more than 80% of the net lot area;
  - C. The building design exceeds the urban design recommendations of the applicable Master Plan; and
  - D. The building must exceed any energy conservation standards set forth in this Code.

### iii. Height for a Champion Project may be allowed up to 200 feet.

### (b) *MXCD Zone*–

- i. Building facades should have a range of heights of between 35 and 50 feet at the street. Additional height up to 75 feet at the street may be allowed where recommended by the Plan or where approved by the Mayor and Council as part of a Project Plan or Planning Commission as part of a Project Plan or Site Plan under Section 25.07.06 or Section 25.07.05 as applicable. Building facades that exceed 250 feet in length should vary the façade height by at least ten feet (10') for some distance along the length of the facade in order to avoid a monotonous, monolithic appearance.

ii. Height for a Champion Project may be allowed up to 125 feet.

- (c) *MXNC Zone* - Building height may be increased up to 65 feet when found suitable in accordance with the Plan. If the Plan makes no other recommendation, development between 45 feet and 65 feet must provide 15 percent open area, of which 10 percent must be public use space.

(d) *MXCT Zone* –

Building facades should have a range of heights of between 35 and 50 feet at the street. Additional height up to 75 feet at the street may be allowed where recommended by the Plan or where approved by the Mayor and Council as part of a Project Plan under Section 25.07.06, or Planning Commission as part of a Site Plan under Section 25.07.05 as applicable. Building facades that exceed 250 feet in length should vary the façade height by at least ten feet (10') for some distance along the length of the facade in order to avoid a monotonous, monolithic appearance.

- (~~de~~) *Layback Slope* – In addition to the height limits set forth in this Article 13, building height on a confronting property cannot penetrate a layback slope line of 30 degrees, beginning from the closest ground point of the lot line of any property in any residential zone where single unit detached, semi-detached, attached, or townhouse development exists or such development is recommended in the Plan, without regard to intervening roads or other transportation facilities as shown in Figure 13.1. This layback slope requirement does not apply to:

- i. Areas adjacent to the MXT Zone;
- ii. Nonresidential historic sites in the Mixed-Use Zones;
- iii. Sites in Single Unit Detached Residential zones developed or recommended for nonresidential uses;
- iv. Areas adjacent to Metro rapid transit or railroad right of way that are north of the Veirs Mill Road intersection with the railroad right-of-way;
- v. Areas within a PD Zone;
- vi. Areas adjacent to the MXC Zone; or-
- vii. Any area within the Rockville Pike Core Area.



**25.13.07 – Special Design Regulations for Individual Mixed-Use Zones**a. *Mixed-Use Transit District Zone (MXTD) -*

\* \* \*

4. *Fenestration* – Generally, fenestration of the stories above the ground floor should be by individual framed windows. Continuous strip windows may be allowed by the Planning Commission Approving Authority if they are used to maintain compatibility with existing contiguous projects.

\* \* \*

b. *Mixed-Use Corridor District Zone (MXCD) –*

\* \* \*

4. *Fenestration* – Generally, fenestration of the stories above the ground floor should be by individual framed windows. Continuous strip windows may be allowed by the Planning Commission Approving Authority if they are used to maintain compatibility with existing contiguous projects.

\* \* \*

h. *Mixed-Use Corridor Transition Zone (MXCT)* – This zone is intended for areas that are located between areas currently developed or recommended for development as medium to high-intensity development and areas developed or recommended for residential development or parks within residentially zoned areas. This zone allows for medium density development of residential and office uses, as well as neighborhood-serving retail and service uses.

1. *Building Location* – In order to meet the intent of the Plan, buildings in the MXCT Zone should be located at the front property line or the build-to line where established by the Plan. Access for commercial development should be to the rear, via alleys with access from the side street(s).
2. *Uses by Floor* – The ground floor may contain office, commercial, residential or a combination of uses. If the building contains only residential units, the ground floor must be designed to facilitate conversion to retail or other commercial uses. The ground floor must have a ceiling height of at least 15 feet but not more than 25 feet. At the time of Site Plan review or Project Plan review, the Approving Authority may consider approving a higher ceiling height if appropriate in the particular

circumstance. The upper floors may contain office, commercial, residential, or a combination of uses.

3. *Facades* – The façade design must be consistent with the standards set forth in subsection 25.13.05.b.2(d). Where the façade height exceeds 35 feet, the façade should include an expression line above the first floor level and a defined cornice line at the top of the façade wall.
4. *Fenestration* - Generally, fenestration of the stories above the ground floor should be by framed individual windows. Continuous strip windows may be allowed by the Approving Authority if they are used to maintain compatibility with existing contiguous projects.
5. *Sidewalks* – Where sidewalks must be built new or rebuilt as part of redevelopment, they should comply with the provisions of Section 25.17.05.
6. *Parking* – On-site parking must comply with the standards and requirements of Article 16. Most parking should be located to the side or in the rear of the buildings. Structured parking, either above or below grade, is preferred. Any parking structure facades visible from the street or a transitway must be treated in a similar manner as the primary building facades. All parking at the sides or rear must be screened to prevent vehicle headlights from shining into adjoining residential properties.

Amend Article 17, “Public Use Space, Landscaping and Screening, Utility Placement and Screening, Lighting, Sidewalks, and Shadows”, as follows:

#### **25.17.01 – Public Use Space**

\* \* \*

- b. *General Requirements* – Where provided, such public use space must be accessible for use and enjoyment by the general public when provided in a residential, retail or mixed-use project. Development consisting primarily of office and/or industrial uses may provide an open area, as defined in Article 3, for the purpose of satisfying the public use space requirement. The Approving Authority may allow reasonable limitations on access to the public use space to meet safety or security concerns.
1. Where development does not comply with the public use space requirement, the following regulations apply:
  - (a) Building expansions or cumulative additions that exceed 50 percent and up to but not including 100 percent of the existing gross floor area must provide a proportionate amount of public use space on site using the following calculation factors: multiplying the percentage increase in floor area by the following factors - .05 where the public use space requirement is 5 percent; .10 where the public use

space requirement is 10 percent; .15 where the public use space requirement is 15 percent.

- ~~i. For those zones where the public use space requirement is 10 percent, the calculation factor is 0.1 times the percentage increase in gross floor area up to the required 10 percent public use space requirement.~~
- ~~ii. For those zones where the public use space requirement is 5 percent, the calculation factor is 0.05 times the percentage increase in gross floor area up to the required 5 percent public use space requirement.~~

\* \* \*

#### **25.17.08. Building Restriction Lines**

- a. Subject to the exceptions provided herein, no building permit can be issued and no building or part thereof nor any fence, wall, sign, or structure can be erected or structurally changed within the area between the building restriction lines and the centerline of the particular street or highway referred to in establishing the building restriction line. This section does not apply to underground parking facilities.

- b. Building restriction lines established.

##### 1. Building restrictions lines along Rockville Pike:

~~Northeast side. Beginning for the same at a point on the southeasterly boundary of the City 135 feet northeasterly from the point of intersection of the centerline of Corridor transition with the southeasterly boundary of the City and running thence northwesterly and parallel to the centerline of Rockville Pike and 135 feet therefrom to the southeasterly line of Dodge Street.~~

~~Southwest side. Beginning for the same at a point on the southeasterly boundary of the City 135 feet southwesterly from the point of intersection of the centerline of Corridor transition with the southeasterly boundary of the City and running thence northwesterly and parallel to the centerline of Rockville Pike and 135 feet therefrom to the southeasterly line of Richard Montgomery Drive.~~

##### 21. Building restriction lines along Hungerford Drive.:

- (a) East side. Beginning for the same at a point on the northerly line of A Street 85 feet easterly from the point of intersection of the centerline of Hungerford Drive with the

northerly line of A Street and running thence northerly and parallel to the centerline of Hungerford Drive and 85 feet therefrom to the northerly line of Gude Drive.

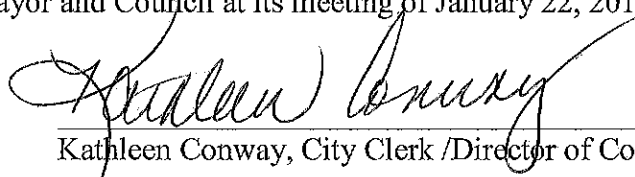
- (b) West side. Beginning for the same at a point on the westerly line of North Washington Street 85 feet westerly from the point of intersection of the centerline of Hungerford Drive with the westerly line of North Washington Street and running thence northerly and parallel to the centerline of Hungerford Drive and 85 feet therefrom to the southerly line of College Parkway; thence still northerly and parallel with the centerline of Frederick Road and 95 feet westerly therefrom to the northerly line of Gude Drive.

3 2. Exceptions.

- (a) Where the building restriction lines established by subsections a and b above reduces the buildable depth of any lot or parcel of land bounded by the W.M.A.T.A. right-of-way, to less than 300 feet, then such line must be adjusted by establishing same at a point three-quarters of the distance from the W.M.A.T.A. right-of-way and the right-of-way of Rockville Pike but, in no event, can such building restriction line be less than 85 feet from the centerline of Rockville Pike.
- (b) Where the applicable master plan recommends a greater or lesser building restriction line than set forth herein, the plan recommendation takes precedence over the requirements set forth in subsections a and b above. Where there is no master plan recommendation, the Approving Authority may waive building restriction line requirements if the waiver will result in a better form of development consistent with the intent of the master plan and the development standards for mixed-use zones set forth in Article 13.

NOTE: ~~Strikethroughs~~ indicate material deleted  
Underlining indicates material added  
Asterisks \* \* \* indicate material unchanged by this ordinance

I hereby certify that the foregoing is a true and correct copy of an ordinance adopted by the Mayor and Council at its meeting of January 22, 2018.

  
Kathleen Conway, City Clerk /Director of Council Operations